

AMENDED IN ASSEMBLY AUGUST 25, 1997

SENATE BILL

No. 638

Introduced by ~~Senator O'Connell~~ Senators *O'Connell and Mountjoy*

(Principal coauthors: Assembly Members Firestone and Takasugi)

(Coauthors: Assembly Members Ackerman, Knox, and Olberg)

February 25, 1997

An act to amend Section ~~371 of the Public Utilities Code, relating to public utilities.~~ *41806 of the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 638, as amended, O'Connell. ~~Public utilities: electrical restructuring—~~*Air pollution: nonagricultural burning: American flag.*

Existing law governing nonagricultural burning generally prohibits the use of open outdoor fires for the purpose of disposal or burning of specified materials. Existing law exempts from that prohibition burning to dispose of the combustible or flammable solid waste of a single- or two-family dwelling on its premises and outdoor fires used only for cooking food for human beings or for recreational purposes.

This bill would also exempt the burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

~~The existing restructuring of the electrical services industry provides for the authorization of direct transactions between electricity suppliers and end use customers, subject to implementation of a nonbypassable charge.~~

~~This bill would make a technical change in a provision relating to the restructuring of the electrical services industry.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 371 of the Public Utilities Code~~

2 ~~SECTION 1. Section 41806 of the Health and Safety~~
3 ~~Code is amended to read:~~

4 ~~41806. Nothing in this article shall be construed as~~
5 ~~prohibiting burning for any of the following:~~

6 ~~(a) Burning for the disposal of the combustible or~~
7 ~~flammable solid waste of a single- or two-family dwelling~~
8 ~~on its premises, or open.~~

9 ~~(b) Open outdoor fires used only for cooking food for~~
10 ~~human beings or for recreational purposes.~~

11 ~~(c) The burning, in a respectful and dignified manner,~~
12 ~~of an unserviceable American flag that is no longer fit for~~
13 ~~display.~~

14 ~~is amended to read:~~

15 ~~371. (a) Except as provided in Sections 372 and 374,~~
16 ~~the uneconomic costs provided in Sections 367, 368, 375,~~
17 ~~and 376 shall be applied to each customer based on the~~
18 ~~amount of electricity purchased by the customer from an~~
19 ~~electrical corporation or alternate supplier of electricity,~~
20 ~~subject to changes in usage occurring in the normal~~
21 ~~course of business.~~

22 ~~(b) Changes in usage occurring in the normal course~~
23 ~~of business are those resulting from changes in business~~
24 ~~cycles, termination of operations, departure from the~~
25 ~~utility service territory, weather, reduced production,~~
26 ~~modifications to production equipment or operations,~~
27 ~~changes in production or manufacturing processes, fuel~~
28 ~~switching, including installation of fuel cells pending a~~
29 ~~contrary determination by the California Energy~~

1 ~~Resources Conservation and Development Commission~~
2 ~~in Section 383, enhancement or increased efficiency of~~
3 ~~equipment or performance of existing self-cogeneration~~
4 ~~equipment, replacement of existing cogeneration~~
5 ~~equipment with new power generation equipment of~~
6 ~~similar size as described in paragraph (1) of subdivision~~
7 ~~(a) of Section 372, installation of demand-side~~
8 ~~management equipment or facilities, energy~~
9 ~~conservation efforts, or other similar factors.~~

10 ~~(c) Nothing in this section shall be interpreted to~~
11 ~~exempt or alter the obligation of a customer to comply~~
12 ~~with the requirements of Section 119075 et seq. of the~~
13 ~~Health and Safety Code. Nothing in this section shall be~~
14 ~~construed as a limitation on residential customers to alter~~
15 ~~their pattern of electricity purchases by activities on the~~
16 ~~customer side of the meter.~~

